

AUG 16 2004

PTO/SB/21 (04-04)

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PATENTS & TRADEMARKS

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

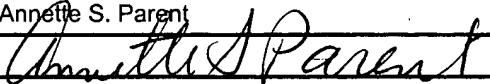
Application Number	09/855,828
Filing Date	May 14, 2001
First Named Inventor	Creech, Christopher Dixon
Art Unit	1647
Examiner Name	Jon M. Lockard
Attorney Docket Number	018512-006010US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

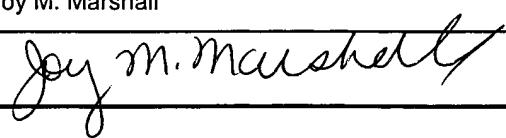
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 42,058
Signature		
Date	August 11, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Joy M. Marshall	Date	August 11, 2004
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PATENT
Docket No.: 018512-006010US

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

On August 11, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Jay M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Creech and Jegla

Application No.: 09/855,828

Filed: May 14, 2001

For: CNG3B: A NOVEL CYCLIC
NUCLEOTIDE-GATED CATION
CHANNEL

Confirmation No. 9660

Examiner: Jon M. Lockard

Art Unit: 1647

**RESPONSE TO RESTRICTION
REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed June 21, 2004, Applicants elect Group I, claims 1-9 and 18-19, drawn to polynucleotides, vectors, and host cells, classified in class 435, subclass 69.1, for example. A Petition to Extend Time for one month, from July 21, 2004 to August 21, 2004 is also enclosed.

The foregoing election is made with traverse, as the eight groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups II-VIII would not place a substantially greater

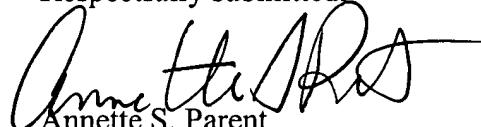
Appl. No. 09/855,828
Amdt. dated August 11, 2004
Reply to Office Action of June 21, 2004
Page 2

PATENT

burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Annette S. Parent
Reg. No. 42,058

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